

AMENDED IN ASSEMBLY APRIL 25, 2016

AMENDED IN ASSEMBLY APRIL 14, 2016

AMENDED IN ASSEMBLY APRIL 6, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1957**

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### Introduced by Assembly Member Quirk

February 12, 2016

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An act to add Section 6254.31 to the Government Code, relating to public records.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1957, as amended, Quirk. Public records: body-worn cameras.

The California Public Records Act requires that public records be open to inspection at all times during the office hours of a state or local agency and that every person has a right to inspect any public record, except as specifically provided. The act further requires that a reasonably segregable portion of a public record be available for inspection by any person requesting the public record after deletion of the portions that are exempted by law. Existing law exempts from the disclosure requirements records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, law enforcement agencies, including the Attorney General and state or local police agencies.

This bill would authorize the governing board of a law enforcement agency, in closed session, to review the footage from a body-worn camera when ~~an~~ *a peace officer who was wearing the camera* is involved

in an incident that results in great bodily injury or ~~death~~. *death of a person other than the peace officer*. The bill would require the judge, if there is a prosecution of *the peace officer* after an investigation, to determine the protocol for release of the footage from a body-worn camera. The bill would require a state or local law enforcement agency to make available, upon request, footage from a law enforcement body-worn camera 60 days after the commencement of an investigation into ~~a misconduct allegation~~ *an allegation of misconduct by the peace officer* based on use of force resulting in great bodily injury or ~~death~~. *death of a person other than the peace officer*. The bill would also prohibit the public release of footage that relates to crimes of domestic ~~violence or violence~~, crimes that include ~~minors~~ *minors*, or that includes statements of a witness at the scene of ~~a crime~~. *crime, subject to a specified exception*.

By increasing the duties of local law enforcement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

*The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.*

*This bill would make legislative findings to that effect.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6254.31 is added to the Government
- 2 Code, to read:

6254.31. (a) Before the end of the business day following the date on which the incident occurs, the governing body of the law enforcement agency, in closed session, may review the footage from a body-worn camera when the *peace officer who was wearing the camera* is involved in an incident that results in great bodily injury or ~~death~~ *the death of a person other than the peace officer*.

(b) If, after reviewing the footage as ~~required~~ *authorized* in subdivision (a), there is an investigation that leads to ~~prosecution~~ *prosecution of the peace officer*, the judge shall review the body-worn camera footage and determine the release protocol, including, but not limited to, whether the footage is released, to whom, and if redaction is required.

(c) Except as provided in subdivision (d), notwithstanding Section 6254, a state or local law enforcement agency shall make available, upon request pursuant to this chapter, footage from a law enforcement body-worn camera 60 days after the commencement of an investigation into ~~a~~ *an allegation of misconduct—allegation by the peace officer* based on use of force resulting in great bodily injury or *death of a person other than the peace officer* depicted in the footage. *This subdivision shall only apply where the investigation does not result in charges of misconduct against the officer.*

(d) Footage of body-worn cameras that relates to crimes of domestic ~~violence or violence~~, crimes that include ~~minors~~ *minors*, or that includes statements of a witness at the scene of a crime shall not be released for public ~~viewing~~ *viewing if the public interest in nondisclosure, or the privacy interests of any person depicted in the footage clearly outweighs the public interest in disclosure and it is not feasible to redact the portion of the recording that shows domestic violence, minors, or statements of a witness from the footage.*

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs because, in that regard, the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement

1 to local agencies and school districts for those costs shall be made  
2 pursuant to Part 7 (commencing with Section 17500) of Division  
3 4 of Title 2 of the Government Code.

4 *SEC. 3. The Legislature finds and declares that Section 1 of*  
5 *this act, which adds Section 6254.31 to the Government Code,*  
6 *further, within the meaning of paragraph (7) of subdivision (b)*  
7 *of Section 3 of Article I of the California Constitution, the purposes*  
8 *of that constitutional section as it relates to the right of public*  
9 *access to the meetings of local public bodies or the writings of*  
10 *local public officials and local agencies. Pursuant to paragraph*  
11 *(7) of subdivision (b) of Section 3 of Article I of the California*  
12 *Constitution, the Legislature makes the following findings:*

13 *By expanding public access to footage obtained from a law*  
14 *enforcement body-worn camera, this bill furthers the purpose of*  
15 *paragraph (7) of subdivision (b) of Section 3 of Article I of the*  
16 *California Constitution.*